

Science, Service, Stewardship



The Habitat Conservation Program's Role in Outer Continental Shelf Development Activities

Briefing for the Marine Fisheries Advisory Committee
June 29, 2010

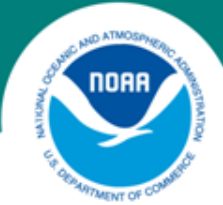
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Avenues for Habitat Program Involvement in OCS Issues

- National Environmental Policy Act: Document review and sometimes cooperating agency status for MMS Environmental Impact Statements
- Magnuson-Stevens Act: Essential Fish Habitat consultations on 5-year plans, lease sales, and other actions
- Fish and Wildlife Coordination Act: General coordination to help assess and minimize adverse effects
- Damage Assessment, Remediation, and Restoration Program: Restores natural resources at hazardous waste sites and after oil spills and other physical impacts



National Environmental Policy Act

- Upon request of the lead agency, NOAA Fisheries is required to be a cooperating agency on EISs for actions within our jurisdiction unless other commitments preclude or limit such involvement.
- Like all federal agencies, NOAA Fisheries is required to comment on EISs for actions that may have impacts within our expertise or authority.
- NOAA Fisheries routinely comments on MMS EISs for lease sales, exploration and development activities, and similar actions.



Magnuson-Stevens Act

- Federal agencies must consult with NOAA Fisheries regarding any action that may adversely affect Essential Fish Habitat (EFH).
 - To locate EFH see www.habitat.noaa.gov/efhmapper.
- NOAA Fisheries must provide conservation recommendations to federal or state agencies on actions that would adversely affect EFH. If Habitat Areas of Particular Concern would be affected we address those at the same time.
- Federal agencies must respond in writing to NOAA Fisheries' recommendations, and if they disagree they must explain why.
- Almost all EFH consultations are integrated into other environmental review processes (Clean Water Act, National Environmental Policy Act, etc.).



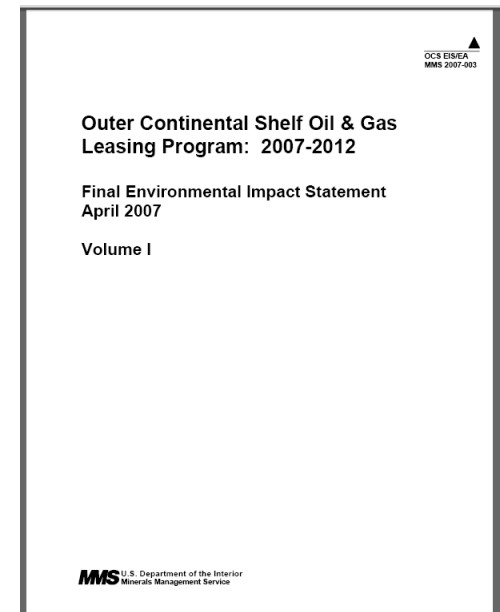
Fish and Wildlife Coordination Act

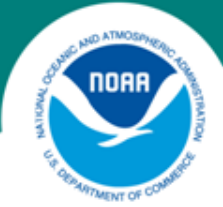
- Federal agencies must consult with NOAA Fisheries regarding proposals to alter waterways in order to prevent loss of and damage to fish and wildlife resources.
- In some cases MMS coordinates with NOAA Fisheries regarding the development of annual study plans to inform OCS leasing decisions – an opportunity to influence studies related to fish habitat, marine mammals, etc.



Consultation and Coordination Related to Deepwater Horizon (Pre-Spill)

- NOAA Fisheries completed a programmatic EFH consultation with MMS on Gulf of Mexico oil and gas development activities in 1999, and a separate consultation on the 2007-2012 plan for oil and gas lease sales in the Central and Western Planning Areas.
- Consultation concluded that impacts to EFH and fishery resources from activities conducted under the 2007-2012 lease sales would be minimal provided that MMS follows its proposed mitigating measures, previous EFH conservation recommendations, and standard lease stipulations and regulations.





Consultation and Coordination Related to Deepwater Horizon (Post-Spill)

- NOAA Fisheries has been working extensively with the Army Corps of Engineers and the Gulf states on response activities, such as emergency authorizations to construct shoreline protection structures. Examples:
 - Sand berm construction in Louisiana
 - Filling a cut created by hurricanes in Alabama
 - Installing boom systems to protect coastal habitats and port and marina facilities
- EFH consultation has been a very helpful tool to ensure projects consider long-term consequences for fish and incorporate monitoring and adaptive management.

